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September 7, 2007

VIA ECF  
Honorable Ronald L. Ellis  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: McKay v. The City of New York et. al.**  
**Case #: 05-CV 8936 (KMK) (JCF)**

Honorable Ronald L. Ellis:

I am the attorney for the plaintiff in the above false arrest action. I am in receipt of a Notice of Deposition and Subpoena directed to the MTA Police Department which is my client's employer. I would like to have the opportunity to move for a protective Order for a variety of reasons. First, the discovery deadline in this matter has past months ago. Second, the parties have already attended to final conference before Judge Karas who scheduled a trial control date in this matter in September. Third, the items demanded are overbroad and irrelevant to the claims and defenses in this action. Fourth, the items demanded in the subpoena are of a highly personal nature and are not probative of the matters in dispute in this case.

To the extent that your Honor would like the parties to brief this issue, I would ask that your Honor order a temporary stay with respect to the subpoena which was served on the MTA and allow the parties, if you wish, to brief this issue in September. I called Ms. Halbadier regarding this matter but was only able to leave a message.

Thank-you for your kind consideration in this matter.

Very Truly Yours:

Law Office David A. Zelman

David Zelman, Esq.

cc: Via Fax 212-608-8901  
Suzzane Halbardier, Esq.

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